

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAUREN CHICKILLY,	:	Civil No. 3:14-CV-2173
	:	
Plaintiff,	:	(Judge Mariani)
	:	
v.	:	
	:	(Magistrate Judge Carlson)
PANTHER VALLEY SCHOOL DISTRICT,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

THE BACKGROUND OF THIS CASE IS AS FOLLOWS:

This is an action brought by Lauren Chickilly under the Equal Pay Act against her former employer, the Panther Valley School District. On November 6, 2015, the district court entered an order which granted a motion to dismiss, in part, and limited the plaintiff's claims to the period of the relevant statute of limitations. (Docs. 19 and 20.) That order also granted the plaintiff leave to amend her complaint, but as we construe the order this leave to amend was solely for the purpose of alleging new factual matters which might justify a claim of equitable tolling of the statute of limitations. (Doc. 20.)

Uncertain as to the full import of the court's order, the plaintiff filed an amended complaint which she concedes does not allege facts which would give rise

to a claim for equitable tolling. (Doc. 23.) The defendant has moved to strike the amended complaint, (Doc. 27.), arguing that the amendment authorized by the district court was solely for the purpose of attempting to allege grounds for equitable tolling of the statute of limitations. In response to this motion the plaintiff observes that: “If defense counsel is correct in his position that the Amended Complaint was only required if plaintiff was attempting to extend the three year Statute of Limitations, then the Amended Complaint can be stricken without consequences.” (Doc. 30, p. 2.)

Because we find that an amended complaint was necessary only if the plaintiff sought to claim grounds for equitable tolling of the statute of limitations, and, therefore, agree with the plaintiff that “the Amended Complaint can be stricken without consequences,” this motion to strike (Doc. 27.) is GRANTED.

So ordered this 15th day of July 2016.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge